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The Honorable Robert S. Lasnik

SEP 06 2022

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

EVERETT JAMESLEE HAYES,

Defendant.

NO. CR21-172 RSL

**PLEA AGREEMENT**

The United States, through United States Attorney Nicholas W. Brown and Assistant United States Attorney Catherine L. Crisham of the Western District of Washington, and Defendant Everett Jameslee Hayes and Defendant's attorney Nancy Tenney, enter into the following Plea Agreement, pursuant to Federal Rule of Criminal Procedure 11(C)(1)(B):

**1. Waiver of Indictment.** Defendant, having been advised of the right to be charged by Indictment, agrees to waive that right and enter a plea of guilty to the charges brought by the United States Attorney in a Superseding Information.

1       **2. The Charges.** Defendant, having been advised of the right to have this  
 2 matter tried before a jury, agrees to waive that right and enters a plea of guilty to each of  
 3 the following charges contained in the Superseding Information.

4               a. Unlawful Possession of a Firearm, as charged in Count One of the  
 5 Superseding Information, in violation of Title 18, United States Code, Section 922(g);

6               b. Unlawful Possession of Ammunition, as charged in Count Two of  
 7 the Superseding Information, in violation of Title 18, United States Code, Section 922(g);

8               c. Unlawful Possession of a Firearm, as charged in Count Three of the  
 9 Superseding Information, in violation of Title 18, United States Code, Section 922(g);

10 and

11               d. Transportation for the Purpose of Prostitution, as charged in Count  
 12 Four of the Superseding Information, in violation of Title 18, United States Code, Section  
 13 2421.

14       By entering these pleas of guilty, Defendant hereby waives all objections to the  
 15 form of the charging document. Defendant further understands that before entering any  
 16 guilty plea, Defendant will be placed under oath. Any statement given by Defendant  
 17 under oath may be used by the United States in a prosecution for perjury or false  
 18 statement.

19       **3. Elements of the Offenses.** The elements of the offenses to which  
 20 Defendant is pleading guilty are as follows:

21               a. The elements of Unlawful Possession of a Firearm, as charged in  
 22 Counts One and Three of the Superseding Information, are as follows:

23               First, that Defendant knowingly possessed a firearm;

24               Second, that the firearm had been shipped or transported from one state  
 25 to another or from a foreign nation to the United States;

26               Third, that at the time Defendant possessed the firearm, he had been  
 27 convicted of a crime punishable by imprisonment for a term exceeding  
 28 one year; and

1           Fourth, that at the time Defendant possessed the firearm, he knew he  
2           had been convicted of a crime punishable by imprisonment for a term  
3           exceeding one year.

4           b.       The elements of Unlawful Possession of Ammunition, as charged in  
5 Count Two of the Superseding Information, are as follows:

6           First, that Defendant knowingly possessed ammunition;

7           Second, that the ammunition had been shipped or transported from one  
8           state to another or from a foreign nation to the United States;

9           Third, that at the time Defendant possessed the ammunition, he had  
10          been convicted of a crime punishable by imprisonment for a term  
11          exceeding one year; and

12          Fourth, that at the time Defendant possessed the ammunition, he knew  
13          he had been convicted of a crime punishable by imprisonment for a term  
14          exceeding one year.

15          c.       The elements of the offense of Transportation for the Purpose of  
16 Prostitution, as charged in Count Four of the Superseding Information, in violation of  
17 Title 18, United States Code, Section 2421, are as follows:

18           First, that the Defendant knowingly transported a person in interstate or  
19 foreign commerce; and

20           Second, the Defendant transported a person with the intent that such person  
21 engage in prostitution or any sexual activity for which a person can be charged with a  
22 criminal offense.

23          **4.       The Penalties.** Defendant understands that the statutory penalties  
24 applicable to the offenses to which Defendant is pleading guilty are as follows:

25           a.       For the offense of Unlawful Possession of a Firearm, as charged in  
26 Counts One and Three of the Superseding Information: 1) a term of imprisonment of up  
27 to ten years; 2) a fine of up to \$250,000; 3) a period of supervision following release from  
28

1 | prison of up to three years; and 4) a \$100.00 special assessment. Defendant agrees that  
2 | the special assessment shall be paid at or before the time of sentencing.

3 |           b.     For the offense of Unlawful Possession of Ammunition, as charged  
4 | in Count Two of the Superseding Information: 1) a term of imprisonment of up to ten  
5 | years; 2) a fine of up to \$250,000; 3) a period of supervision following release from  
6 | prison of up to three years; and 4) a \$100.00 special assessment. Defendant agrees that  
7 | the special assessment shall be paid at or before the time of sentencing.

8 |           c.     For the offense of Transportation for the Purpose of Prostitution, as  
9 | charged in Count Four of the Superseding Information: a maximum term of  
10 | imprisonment of up to ten years, a fine of up to \$250,000, a period of supervision  
11 | following release from prison of up to three years, and a mandatory special assessment of  
12 | \$100 dollars. If a probationary sentence is imposed, the probation period can be for up to  
13 | five years. Defendant agrees that the special assessment shall be paid at or before the  
14 | time of sentencing.

15 |         Defendant understands that supervised release is a period of time following  
16 | imprisonment during which Defendant will be subject to certain restrictive conditions and  
17 | requirements. Defendant further understands that, if supervised release is imposed and  
18 | Defendant violates one or more of the conditions or requirements, Defendant could be  
19 | returned to prison for all or part of the term of supervised release that was originally  
20 | imposed. This could result in Defendant serving a total term of imprisonment greater  
21 | than the statutory maximum stated above.

22 |         Defendant understands that as a part of any sentence, in addition to any term of  
23 | imprisonment and/or fine that is imposed, the Court may order Defendant to pay  
24 | restitution to any victim of the offense, as required by law.

25 |         Defendant further understands that the consequences of pleading guilty may  
26 | include the forfeiture of certain property, either as a part of the sentence imposed by the  
27 | Court, or as a result of civil judicial or administrative process.  
28 |

1 Defendant agrees that any monetary penalty the Court imposes, including the  
 2 special assessment, fine, costs, or restitution, is due and payable immediately and further  
 3 agrees to submit a completed Financial Disclosure Statement as requested by the United  
 4 States Attorney's Office.

5 Defendant understands that, if pleading guilty to a felony drug offense, Defendant  
 6 will become ineligible for certain food stamp and Social Security benefits as directed by  
 7 Title 21, United States Code, Section 862a.

8 **5. Immigration Consequences.** Defendant recognizes that pleading guilty  
 9 may have consequences with respect to Defendant's immigration status if Defendant is  
 10 not a citizen of the United States. Under federal law, a broad range of crimes are grounds  
 11 for removal, and some offenses make removal from the United States presumptively  
 12 mandatory. Removal and other immigration consequences are the subject of a separate  
 13 proceeding, and Defendant understands that no one, including Defendant's attorney and  
 14 the Court, can predict with certainty the effect of a guilty plea on immigration status.  
 15 Defendant nevertheless affirms that Defendant wants to plead guilty regardless of any  
 16 immigration consequences that Defendant's guilty pleas may entail, even if the  
 17 consequence is Defendant's mandatory removal from the United States.

18 **6. Rights Waived by Pleading Guilty.** Defendant understands that by  
 19 pleading guilty, Defendant knowingly and voluntarily waives the following rights:

- 20 a. The right to plead not guilty and to persist in a plea of not guilty;
- 21 b. The right to a speedy and public trial before a jury of Defendant's  
 22 peers;
- 23 c. The right to the effective assistance of counsel at trial, including, if  
 24 Defendant could not afford an attorney, the right to have the Court appoint one for  
 25 Defendant;
- 26 d. The right to be presumed innocent until guilt has been established  
 27 beyond a reasonable doubt at trial;

1 e. The right to confront and cross-examine witnesses against Defendant  
2 at trial;

3 f. The right to compel or subpoena witnesses to appear on Defendant's  
4 behalf at trial;

5 g. The right to testify or to remain silent at trial, at which trial such  
6 silence could not be used against Defendant; and

7 h. The right to appeal a finding of guilt or any pretrial rulings.

8 **7. United States Sentencing Guidelines.** Defendant understands and  
9 acknowledges that the Court must consider the sentencing range calculated under the  
10 United States Sentencing Guidelines and possible departures under the Sentencing  
11 Guidelines together with the other factors set forth in Title 18, United States Code,  
12 Section 3553(a), including: (1) the nature and circumstances of the offenses; (2) the  
13 history and characteristics of Defendant; (3) the need for the sentence to reflect the  
14 seriousness of the offenses, to promote respect for the law, and to provide just  
15 punishment for the offenses; (4) the need for the sentence to afford adequate deterrence to  
16 criminal conduct; (5) the need for the sentence to protect the public from further crimes  
17 of Defendant; (6) the need to provide Defendant with educational and vocational training,  
18 medical care, or other correctional treatment in the most effective manner; (7) the kinds  
19 of sentences available; (8) the need to provide restitution to victims; and (9) the need to  
20 avoid unwarranted sentence disparity among defendants involved in similar conduct who  
21 have similar records. Accordingly, Defendant understands and acknowledges that:

22 a. The Court will determine Defendant's Sentencing Guidelines range  
23 at the time of sentencing;

24 b. After consideration of the Sentencing Guidelines and the factors in  
25 18 U.S.C. 3553(a), the Court may impose any sentence authorized by law, up to the  
26 maximum term authorized by law;

27 c. The Court is not bound by any recommendation regarding the  
28 sentence to be imposed, or by any calculation or estimation of the Sentencing Guidelines



1 range offered by the parties or the United States Probation Department, or by any  
 2 stipulations or agreements between the parties in this Plea Agreement; and

3 d. Defendant may not withdraw a guilty plea solely because of the  
 4 sentence imposed by the Court.

5 **8. Ultimate Sentence.** Defendant acknowledges that no one has promised or  
 6 guaranteed what sentence the Court will impose.

7 **9. Statement of Facts.** The parties agree on the following facts. Defendant  
 8 admits Defendant is guilty of the charged offenses:

9 **Defendant's July 20, 2021 Arrest**

10 a. On July 20, 2021, an undercover law enforcement officer conducted  
 11 a community area check of the Motel 6 parking lot located at 20651 Military Road South,  
 12 SeaTac, Washington. While conducting this area check, the officer observed a male  
 13 bleeding from a large wound on his face. At the same time, the officer saw a white  
 14 Hyundai SUV quickly drive away from the injured male, pull out of the parking stall  
 15 driving over the curb, and head north towards the motel exit. Based on the male's  
 16 significant injury, the fact that the injured male had been looking at the white SUV as it  
 17 left, and the SUV's quick departure after driving over the curb, the officer believed that  
 18 this vehicle had some connection to the male and his significant injury.

17 b. The officer followed the SUV out of the complex, where it ran a red  
 18 light before taking the on-ramp to northbound Interstate 5. Another law enforcement  
 19 officer subsequently followed the SUV as it pulled into a gas station, where the officer  
 20 conducted a traffic stop. The Defendant immediately got out of the driver's seat, shut the  
 21 door, and faced the officer. The officer noticed that the Defendant's right pants pocket  
 22 was inside-out, which was indicative of someone quickly removing an item from tight-  
 23 fitting jeans.

22 c. The Defendant's driver's license status was suspended, and he was  
 23 required to use an ignition interlock device when driving, which the SUV did not have.  
 24 The Defendant was arrested for driving with a suspended license and driving a vehicle  
 25 without the required ignition interlock device. During a search incident to arrest, the  
 26 arresting officer seized two .40 caliber rounds of ammunition from the Defendant's pants  
 27 pocket, as well as two cell phones and \$1,889.00 cash on his person. The Defendant  
 28 acknowledges that this currency is proceeds of unlawful activity.

27 d. Law enforcement obtained a search warrant for the white SUV that  
 28 the Defendant had been driving. Searching officers located a Taurus PT140Pro pistol in  
 .40 caliber in the center console. The pistol had a magazine, loaded with seven rounds of

1 ammunition, and a spent shell casing in the chamber. The Defendant acknowledges that  
2 on July 20, 2021, he possessed the Taurus PT140Pro pistol, and the two .40 caliber  
3 rounds of ammunition that were seized from his front pocket, as well as the .40 caliber  
4 rounds of ammunition in the magazine.

5 e. Law enforcement officers also searched the area around the Hotel 6  
6 and located a trail of blood between the lower level and room #231. The door to room  
7 #231 was ajar, and officers entered the room to ensure that no one was in need of medical  
8 assistance. No one was located inside the room. While inside room #231, detectives  
9 noticed what appeared to be a bullet hole in the door of the room. Based on the damage,  
10 detectives believed the bullet hole came from the inside of room #231. A witness in the  
11 room next door told law enforcement that s/he had heard a fight in room #231 and could  
hear multiple males and a female arguing, as well as a sound that s/he thought was a  
gunshot. Detectives subsequently reviewed video footage at the Motel 6 and observed a  
subject who matched the Defendant's description exit room #231 shortly before the  
undercover officer arrived to do the community area check at the hotel.

#### 12 **Defendant's October 7, 2021 Arrest**

13 f. On October 6, 2021, law enforcement officers executed a warrant for  
14 the Defendant's arrest. Prior to the arrest, officers saw the Defendant enter a silver  
15 Honda Civic parked in a gas station in Seattle and sit in the front passenger seat. After  
16 the Defendant got in the car, officers saw his upper body lean forward as if he was  
17 placing something under the seat or on the floorboard. Agents then initiated the arrest,  
18 and the Defendant was removed from the passenger seat without incident. Agents  
19 subsequently searched the vehicle and located a Smith & Wesson model SD40 VE, .40  
20 caliber pistol from underneath the front passenger seat. The pistol was loaded with nine  
21 rounds of ammunition, including a round in the chamber. Agents also recovered  
22 approximately 100 "M-30" pills weighing 15 grams.

23 g. Latent fingerprints were recovered from the Smith & Wesson pistol  
24 and were identified as belonging to the Defendant. The Defendant acknowledges that on  
25 October 7, 2021, he possessed the Smith & Wesson pistol that was recovered from  
26 underneath the front passenger seat of the Civic, as well as the approximately 100 "M-  
27 30" pills.

28 h. The Defendant further acknowledges that (1) the Taurus PT140Pro  
pistol that is the subject of Count One of the Superseding Information; (2) the two .40  
caliber rounds of ammunition that are the subject of Count Two of the Superseding  
Information; and (3) the Smith & Wesson pistol that is the subject of Count Three of the  
Superseding Information were all manufactured outside the State of Washington and  
were transported in interstate or foreign commerce prior to being recovered in the State of



1 Washington. The Defendant also acknowledges that the firearms and ammunition were  
2 involved in his commission of the offenses charged in Counts One through Three.

3 i. The Defendant further acknowledges that at the time he possessed  
4 the above-listed firearms and ammunition, he knew he had prior felony convictions for  
5 which he was sentenced to, and served, more than twelve months of imprisonment.  
6 These convictions include: (1) *Domestic Violence Felony Violation of a Court Order*,  
7 under cause number 18-1-03277-2, dated on or about June 7, 2019, in King County  
8 Superior Court, Washington, under the alias Everett James Kennebrew; (2) *Unlawful*  
9 *Possession of a Firearm in the Second Degree* and *Assault in the Third Degree –*  
10 *Domestic Violence*, under cause number 15-1-01092-8, dated on or about July 17, 2015,  
11 in King County Superior Court, Washington, under the alias Everett James Kennebrew;  
12 and (3) *Robbery in the Second Degree* and *Felony Harassment*, under cause number 11-  
13 1-10661-2, dated on or about January 20, 2012, in King County Superior Court,  
14 Washington, under the alias Everett James Kennebrew.

### 11 **Transportation for the Purpose of Prostitution**

12 j. During the summer of 2021, including in August 2021, the  
13 Defendant caused an adult female, T.M., to travel in interstate commerce from the State  
14 of Washington to the State of California. The purpose of this travel was to have T.M.  
15 engage in prostitution and provide the Defendant with her earnings.

16 The parties agree that the Court may consider additional facts contained in the  
17 Presentence Report (subject to standard objections by the parties) and/or that may be  
18 presented by the United States or Defendant at the time of sentencing, and that the factual  
19 statement contained herein is not intended to limit the facts that the parties may present to  
20 the Court at the time of sentencing.

21 **10. Sentencing Factors.** The parties agree that the following Sentencing  
22 Guidelines provisions apply to this case:

23 a. For the charges of Unlawful Possession of Firearms/Ammunition, as  
24 charged in Counts One through Three of the Superseding Information, the following  
25 Sentencing Guidelines provisions apply:  
26  
27  
28

i. A base offense level of 14, pursuant to Section 2K2.1(6), because the Defendant was a prohibited person at the time of the offense;

ii. A four-level increase, pursuant to Section 2K2.1(b)(6)(B), because the Defendant possessed the firearm listed in Count Three (the Smith & Wesson model SD40 VE) in connection with another felony offense, to wit, distribution of controlled substances.

b. For the charge of Transportation for the Purpose of Prostitution, as charged in Count Three of the Superseding Information: a base offense level of 14, pursuant to Section 2G1.1 of the United States Sentencing Guidelines.

In addition, the parties agree that a two-level increase, pursuant to Section 3D1.4 of the United States Sentencing Guidelines, should be applied because Counts One through Three and Count Four constitute different Groups under the Sentencing Guidelines and the offense levels of the Groups are within four levels of each other.

The parties agree they are free to present arguments regarding the applicability of all other provisions of the United States Sentencing Guidelines. Defendant understands, however, that at the time of sentencing, the Court is free to reject these stipulated adjustments, and is further free to apply additional downward or upward adjustments in determining Defendant's Sentencing Guidelines range.

**11. Acceptance of Responsibility.** At sentencing, *if* the Court concludes Defendant qualifies for a downward adjustment for acceptance of responsibility pursuant to USSG § 3E1.1(a) and Defendant's offense level is 16 or greater, the United States will make the motion necessary to permit the Court to decrease the total offense level by three (3) levels pursuant to USSG §§ 3E1.1(a) and (b), because Defendant has assisted the United States by timely notifying the United States of Defendant's intention to plead guilty, thereby permitting the United States to avoid preparing for trial and permitting the Court to allocate its resources efficiently.

**12. Recommendation Regarding Imprisonment.** Pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B), the parties agree that at the time of sentencing, the government will recommend a sentence no higher than the high end of the advisory

Sentencing Guidelines range, as calculated by the Court at the time of sentencing, and the Defendant will recommend a sentence no lower than the low end of the advisory Sentencing Guidelines range. Defendant understands that this recommendation is not binding on the Court and the Court may reject the recommendation of the parties and may impose any term of imprisonment up to the statutory maximum penalty authorized by law. Defendant further understands that Defendant cannot withdraw a guilty plea simply because of the sentence imposed by the Court. Except as otherwise provided in this Plea Agreement, the parties are free to present arguments regarding any other aspect of sentencing.

**13. Forfeiture.** Defendant agrees to forfeit to the United States immediately all of his right, title, and interest in any and all firearms and ammunition that were involved in the commission of the crimes of Unlawful Possession of a Firearm, as charged in Counts One and Three of the Superseding Information, and Unlawful Possession of Ammunition, as charged in Count Two of the Superseding Information. This property is subject to forfeiture pursuant to Title 18, United States Code, Section 924(d)(1), by way of Title 28, United States Code, Section 2461(c), and includes, but is not limited to:

- a. The Taurus PT140Pro pistol in .40 caliber and associated ammunition listed in Count One of the Superseding Information;
- b. The two .40 caliber rounds of ammunition listed in Count Two of the Superseding Information; and
- c. The Smith & Wesson SD40VE pistol in .40 caliber and associated ammunition listed in Count Three of the Superseding Information.

The Defendant also agrees to forfeit to the United States immediately his right, title, and interest in all property that constitutes or is traceable to proceeds of his commission of Transportation for the Purposes of Prostitution, as charged in Count Four of the Superseding Information, as well as any property used or intended to be used to commit or to facilitate that offense. All such property is forfeitable pursuant to Title 18,

United States Code, Section 981(a)(1)(C), by way of 28 United States Code, Section 2461(c) and Title 18, United States Code, Section 2428(a).

Defendant agrees to fully assist the United States in the forfeiture of the above-described property and to take whatever steps are necessary to pass clear title to the United States, including but not limited to: surrendering title and executing any documents necessary to effect forfeiture; assisting in bringing any property located outside the United States within the jurisdiction of the United States; and taking whatever steps are necessary to ensure that property subject to forfeiture is not sold, disbursed, wasted, hidden, or otherwise made unavailable for forfeiture. Defendant agrees not to file a claim to any of the above-described property in any federal forfeiture proceeding, administrative or judicial, which may be or has been initiated.

The United States reserves its right to proceed against any remaining firearms and ammunition not identified in this Plea Agreement if they were involved in the offenses set forth in Counts One through Three, as well as any proceeds of and any property used or intended to be used to commit or to facilitate the offense set forth in Count Four.

**14. Abandonment.** Defendant also agrees that, if any federal law enforcement agency seized any firearms, firearm accessories, ammunition, proceeds of unlawful activity, or illegal contraband that were in Defendant's direct or indirect control, Defendant consents to the federal administrative disposition, official use, and/or destruction of that property. Defendant specifically abandons any firearms, firearm accessories, and ammunition seized from him on or about July 20, 2021, and August 5, 2021, referenced in paragraphs 9c- i, but not addressed in paragraph 13.

**15. Non-Prosecution of Additional Offenses.** As part of this Plea Agreement, the United States Attorney's Office for the Western District of Washington agrees not to prosecute Defendant for any additional offenses known to it as of the time of this Plea Agreement based upon evidence in its possession at this time, and that arise out of the conduct giving rise to this investigation. In this regard, Defendant recognizes the United States has agreed not to prosecute all of the criminal charges the evidence establishes

1 | were committed by Defendant solely because of the promises made by Defendant in this  
2 | Plea Agreement. Defendant agrees, however, that for purposes of preparing the  
3 | Presentence Report, the United States Attorney's Office will provide the United States  
4 | Probation Office with evidence of all conduct committed by Defendant.

5 | Defendant agrees that any charges to be dismissed before or at the time of  
6 | sentencing were substantially justified in light of the evidence available to the United  
7 | States, were not vexatious, frivolous or taken in bad faith, and do not provide Defendant  
8 | with a basis for any future claims under the "Hyde Amendment," Pub. L. No. 105-119  
9 | (1997).

10 | **16. Breach, Waiver, and Post-Plea Conduct.** Defendant agrees that, if  
11 | Defendant breaches this Plea Agreement, the United States may withdraw from this Plea  
12 | Agreement and Defendant may be prosecuted for all offenses for which the United States  
13 | has evidence. Defendant agrees not to oppose any steps taken by the United States to  
14 | nullify this Plea Agreement, including the filing of a motion to withdraw from the Plea  
15 | Agreement. Defendant also agrees that, if Defendant is in breach of this Plea Agreement,  
16 | Defendant has waived any objection to the re-institution of any charges that previously  
17 | were dismissed or any additional charges that had not been prosecuted.

18 | Defendant further understands that if, after the date of this Plea Agreement,  
19 | Defendant should engage in illegal conduct, or conduct that violates any conditions of  
20 | release or the conditions of confinement (examples of which include, but are not limited  
21 | to, obstruction of justice, failure to appear for a court proceeding, criminal conduct while  
22 | pending sentencing, and false statements to law enforcement agents, the Pretrial Services  
23 | Officer, Probation Officer, or Court), the United States is free under this Plea Agreement  
24 | to file additional charges against Defendant or to seek a sentence that takes such conduct  
25 | into consideration by requesting the Court to apply additional adjustments or  
26 | enhancements in its Sentencing Guidelines calculations in order to increase the applicable  
27 | advisory Guidelines range, and/or by seeking an upward departure or variance from the  
28 | calculated advisory Guidelines range. Under these circumstances, the United States is



1 free to seek such adjustments, enhancements, departures, and/or variances even if  
 2 otherwise precluded by the terms of the Plea Agreement.

3 **17. Waiver of Appellate Rights and Rights to Collateral Attacks.**

4 Defendant acknowledges that, by entering the guilty pleas required by this Plea  
 5 Agreement, Defendant waives all rights to appeal from Defendant's conviction, and any  
 6 pretrial rulings of the Court, and any rulings of the Court made prior to entry of the  
 7 judgment of conviction. Defendant further agrees that, provided the Court imposes a  
 8 custodial sentence that is within or below the Sentencing Guidelines range (or the  
 9 statutory mandatory minimum, if greater than the Guidelines range) as determined by the  
 10 Court at the time of sentencing, Defendant waives to the full extent of the law:

11 a. Any right conferred by Title 18, United States Code, Section 3742,  
 12 to challenge, on direct appeal, the sentence imposed by the Court, including any fine,  
 13 restitution order, probation or supervised release conditions, or forfeiture order (if  
 14 applicable); and

15 b. Any right to bring a collateral attack against the conviction and  
 16 sentence, including any restitution order imposed, except as it may relate to the  
 17 effectiveness of legal representation.

18 This waiver does not preclude Defendant from bringing an appropriate motion  
 19 pursuant to 28 U.S.C. § 2241, to address the conditions of Defendant's confinement or  
 20 the decisions of the Bureau of Prisons regarding the execution of Defendant's sentence.

21 If Defendant breaches this Plea Agreement at any time by appealing or collaterally  
 22 attacking (except as to effectiveness of legal representation) the conviction or sentence in  
 23 any way, the United States may prosecute Defendant for any counts, including those with  
 24 mandatory minimum sentences, that were dismissed or not charged pursuant to this Plea  
 25 Agreement.

26 **18. Voluntariness of Plea.** Defendant agrees that Defendant has entered into  
 27 this Plea Agreement freely and voluntarily, and that no threats or promises were made to  
 28

1 induce Defendant to enter a plea of guilty other than the promises contained in this Plea  
2 Agreement or set forth on the record at the change of plea hearing in this matter.

3       **19. Statute of Limitations.** In the event this Plea Agreement is not accepted  
4 by the Court for any reason, or Defendant breaches any of the terms of this Plea  
5 Agreement, the statute of limitations shall be deemed to have been tolled from the date of  
6 the Plea Agreement to: (1) thirty days following the date of non-acceptance of the Plea  
7 Agreement by the Court; or (2) thirty days following the date on which a breach of the  
8 Plea Agreement by Defendant is discovered by the United States Attorney's Office.

9 //

10 //

1       **20. Completeness of Plea Agreement.** The United States and Defendant  
2 acknowledge that these terms constitute the entire Plea Agreement between the parties,  
3 except as may be set forth on the record at the change of plea hearing in this matter. This  
4 Plea Agreement binds only the United States Attorney's Office for the Western District  
5 of Washington. It does not bind any other United States Attorney's Office or any other  
6 office or agency of the United States, or any state or local prosecutor.

7       Dated this 6<sup>th</sup> day of September, 2022.

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10         
11       \_\_\_\_\_  
12       EVERETT JAMESLEE HAYES  
13       Defendant

14         
15       \_\_\_\_\_  
16       NANCY TENNEY  
17       Attorney for Defendant

18         
19       \_\_\_\_\_  
20       TODD GREENBERG  
21       Assistant United States Attorney

22         
23       \_\_\_\_\_  
24       CATHERINE L. CRISHAM  
25       Assistant United States Attorney  
26  
27  
28